

ORDINANCE NO. 3046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE V, ENTITLED "PUBLIC NUISANCE ABATEMENT" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH, FLORIDA, BY ALLOWING A SPECIAL MAGISTRATE TO HEAR PUBLIC NUISANCE ABATEMENT CASES; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current Public Nuisance Abatement Ordinance is presently set up to allow for a Public Nuisance Abatement Board to hear all nuisance abatement matters; and

WHEREAS, the City Council finds that it is in the best interests of the City to allow a special magistrate to hear all future nuisance abatement matters; and

WHEREAS, amending the Public Nuisance Abatement Ordinance accomplishes the City Council's goals.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. That Chapter 11, Article V, entitled "Public Nuisance Abatement" of the Code of Ordinances of the City of Riviera Beach is hereby amended to read:
(Deletions shown by strike through and additions shown by underline)

Sec. 11-181. Creation; of public nuisance abatement board. applicability; jurisdiction.

Pursuant to F.S. Ch. 166 and section 893.138, as amended from time to time, the City Council of the City of Riviera Beach creates the City of Riviera Beach Public Nuisance Abatement Board Process and designates a special magistrate to hear public nuisance abatement cases. The ~~board~~ special magistrate shall have authority to hold hearings and assess fines against violators and issue orders having the force of law in accordance with the terms and conditions herein set and under F.S. Ch 166 and section 893.138. The jurisdiction of the public nuisance abatement ~~board~~ special magistrate shall not be exclusive. Any alleged violations of this Code may be pursued by appropriate remedy in court at the option of the city manager or the city manager's designee.

Sec. 11-182. Intent.

(a) It is the intent of this article to establish the public nuisance abatement ~~Board~~ Process and designate a special magistrate of the City to promote, protect, and improve the health, safety and welfare of the citizens of the City by providing an equitable, expeditious and effective method to abate public nuisances.

(b) This article is not intended to restrict the right of any person to proceed under F.S. § 60.05 for an injunction against any public nuisance.

Sec. 11-183. Certain conditions, activities, and actions are declared public nuisances.

The City Council of Riviera Beach hereby declares that:

- (1) Any place or premises that has been used on more than two occasions within a six month period, as a site of unlawful sale, manufacture, cultivation, or delivery of controlled substances is a public nuisance.
- (2) A place or building used by a criminal street gang for the purpose of conducting a pattern of criminal street gang activity is a place of public nuisance.
- (3) Any place, structure, building, premises or location that has been used on more than two occasions within a six month period as a site for violation of F.S. 796.07, relating to prostitution, assignation or lewdness as defined in F.S. 796.07, is a place of public nuisance.
- (4) Any place, premises or location that has been used on two or more occasions within a six-month period as a site for prostitution is a place of nuisance.
- (5) Any building, premises or structure which has been used on more than two occasions within a six-month period as a site to traffic or deal in stolen property, as defined in F.S. 812.019, is a place of public nuisance.
- (6) Any place, premises or location that has been used on one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance is a place of public nuisance.
- (7) Any building, premises or structure which has been used on more than two occasions within a six month period, as a site to traffic in stolen property is a place of public nuisance.

Sec. 11-184. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board or board shall mean the Riviera Beach Public Nuisance Abatement Board.

Control/ed substance shall include those substances defined in F.S. Ch. 893 and also includes any substances sold in lieu of a controlled substance in violation of F.S. § 817.563 or any imitation controlled substance defined in F.S. § 817.564.

Council shall mean the Riviera Beach City Council.

Criminal street gang means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols and have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.

Criminal street gang member is a person who is a member of a criminal street gang as defined above and who meets two or more of the following criteria:

- (1) Admits to criminal street gang membership.
- (2) Is identified as a criminal street gang member by a parent or guardian.
- (3) Is identified as a criminal street gang member by a documented reliable informant.
- (4) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and association with known criminal street gang members.
- (5) Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.
- (6) Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.
- (7) Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.

RDINANCE NO. 3046
age 4

- (8) Has been stopped in the company of known criminal street gang members four or more times.

Operator shall mean tenant, lessee, occupant, or person having control or possession of the place, structure, premises, vessel, conveyance or location which is the subject of a complaint filed with the police department or code enforcement division.

Owner shall mean the owner of the place, structure, premises, conveyance or location which is the subject of a complaint filed with the police department or code enforcement division.

Party shall mean a complainant, owner, or operator.

Pattern of criminal street gang activity means the commission or attempted commission of, or solicitation or conspiracy to commit, two or more felony or three or more misdemeanor offenses, or one felony and two misdemeanor offenses, or the comparable number of delinquent acts or violation of law which would be felonies or misdemeanors if committed by an adult on separate occasions within a three year period.

Public Nuisance shall mean any place, premises, location, building or structure upon which or within which the conditions, activities or actions described in Sec. 11-183 occur.

Secretary shall mean the person appointed to perform the clerical and administrative duties and such duties as provided herein necessary to carry out the activities of the Nuisance Abatement Board special magistrate.

Special Magistrate or Magistrate shall mean the person hired by the City of Riviera Beach who has been authorized to hear public nuisance abatement cases.

Sec. 11-185. Jurisdiction.

The public nuisance abatement Board special magistrate shall have jurisdiction throughout the incorporated area of the City.

Sec. 11-186. Organization.

- (a) The Council shall sit as the Public Nuisance Abatement Board. The chairperson and vice chairperson of the City Council shall be the chairperson and vice chairperson, respectively, of the Public Nuisance Abatement Board. A majority of the members of the City Council shall constitute a quorum. The affirmative vote of a majority of the members present at any meeting shall be necessary to adopt any order.

(a) The special magistrate shall hear public nuisance abatement cases for the city.

(b) The City Attorney shall provide legal counsel to the Board.

~~(c)~~ (b) The Council shall assign the cClerical and secretarial duties are hereby assigned as provided herein of the Public Nuisance Abatement Board to the city clerk's office. The Council city manager will also assign administrative assistance as may be reasonably required by the Board special magistrate for proper performance of it's—the special magistrate's duties to the police department, code enforcement division.

Sec. 11-187. Initiation of procedures.

(a) Any employee, officer, or resident of the City may file a complaint with the police department or code enforcement division, with regard to any public nuisances described in Section 11-183. No member of the Public Nuisance Abatement Board may file a complaint. Each complainant must provide a written copy of his/her complaint to the police department or code enforcement division. The police department, code enforcement division shall notify the Nuisance Abatement Board special magistrate of the complaint and request a schedule a hearing. The police general counselor other Police Department, code enforcement division designee, shall prosecute violators of the Ordinance.

(b) The police department, code enforcement division, shall give written notice of every hearing to the respondent(s), owner(s), and operator(s) at the last known address at least five (5) days prior to the scheduled hearing. Notice shall include the following:

- (1) The time, date, place and nature of the hearing;
- (2) A reference to the City's Public Nuisance Abatement Board Ordinance;
- (3) A short and plain statement summarizing the incidents which form the basis of the complaint;
- (4) A statement that "Failure to attend may result in an order being issued adverse to your interests";
- (5) A statement that all parties may be represented by counsel;

RDINANCE NO. 3046
age 6

- (6) A statement that all parties shall be given an opportunity to present evidence in support of their position, submit rebuttal evidence, and conduct cross examination; and
- (7) A conspicuous statement reflecting the requirements of F.S, Ch. 286 that a person deciding to appeal any decision of the Public Nuisance Abatement Board special magistrate will need to ensure that a verbatim record of the proceedings is made.
- (8) All notices required by this part shall be provided to the owner(s), operator(s), or occupant(s) by:
 - (a) Certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsection (9) and by first class mail directed to the addresses furnished to the City with a properly executed proof of mailing or affidavit confirming the first class mailing;
 - (b) Hand delivery by a law enforcement officer, code inspector, or other person designated by the City;
 - (c) Leaving the notice at the owner's, operator's, or occupant's usual place of residence with any person residing therein who is above fifteen years of age and informing such person of the contents of the notice; or
 - (d) In the case of commercial premises, leaving the notice with the manager or other person in changecharge.
- (9) In addition to providing notice as set forth in subsection (8), at the option of the Police Department, Code Enforcement Division, notice may also be served by posting, as follows:
 - (a) Notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall.

(b) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice and the date and places of its posting.

(c) Notice by posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (8).

(10) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (8), together with proof of posting as provided in subsection (9), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the owner, operator, or occupant actually received such notice.

Sec. 11-188. Conduct of hearings.

- (a) The Public Nuisance Abatement Board special magistrate shall adopt rules, as necessary, for the conduct of ~~its~~ the hearings. All hearings and proceedings shall be open to the public and minutes shall be kept. All testimony shall be taken under oath and shall be recorded.
- (b) The Public Nuisance Abatement Board special magistrate shall proceed to hear complaints on the agenda for the day scheduled for the public hearings. Before the Public Nuisance Abatement Board special magistrate may hear a complaint, the Board special magistrate must make a finding that the notice requirements as set forth in Section 1-87 have been satisfied. In no case shall the Public Nuisance Abatement Board special magistrate proceed to hear any complaint unless the notice requirements set forth in Section 11-187 have been met.
- (c) Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. The Public Nuisance Abatement Board special magistrate may consider any evidence, including evidence of the general reputation of the place or premises. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a state court.
- (d) Each party shall have the following rights:
 - (1) To call and examine witnesses.
 - (2) To introduce documentary evidence, exhibits, or physical evidence.
 - (3) To cross examine opposing witnesses on any relevant matter.

- (4) To impeach any witness.
 - (5) To submit rebuttal evidence.
 - (6) To be represented by counsel.
- (e) The owner of the place or premises in question may introduce evidence as to any remedial measures taken to ameliorate the conditions which led to the public nuisance complaint.
- (f) All findings of the Public Nuisance Abatement Board special magistrate shall be based on a preponderance of the evidence. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible in a civil action. The burden of proof shall be on the complaining party.
- (g) At the conclusion of the hearing, the Public Nuisance Abatement Board special magistrate shall issue findings of fact and conclusions of law with respect to the issues before it the special magistrate.
- (h) If the Public Nuisance Abatement Board special magistrate finds that a public nuisance does exist on a place or premises, the Board special magistrate may declare the place or premises in question a public nuisance. Upon such declaration, the Boardspecial magistrate may enter an order immediately prohibiting:
- (1) The maintaining of the nuisance;
 - (2) The operating or maintaining of the place or premises including the closure of the place or any part thereof if prior notice and a reasonable opportunity to cure has been provided at a previous hearing; or
 - (3) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.
- (i) The Board special magistrate may also find other measures for public nuisances which may be appropriate to the nuisance, including, but not limited to, continuing jurisdiction over the place or premises for a period of one year, imposition of fines not to exceed \$250.00 per day for an initial violation and fines not to exceed \$500.00 per day for recurring public nuisances; payment of reasonable costs, including reasonable attorney's fees associated with investigations of and hearings on public

nuisances; the recording of orders on public nuisances that may become liens against the real property that is the subject of the order, and payment of reasonable costs and attorney fees incurred in any action to enforce an order of foreclosure based upon same.

- (j) An order entered under this section shall expire after one year or at such earlier time as is stated in the order.

Sec. 11-189. Enforcement

- (a) The Board special magistrate, upon notification that a nuisance has not been abated or, upon finding that a recurring public nuisance exists, may order the owner or operator to pay a fine in an amount specified in this section for each day the nuisance continues past the date set by the Board special magistrate for abatement, or, in the case of a recurring nuisance, for each day the recurring nuisance continues past the date of notice to the owner or operator of such recurring nuisance. If a finding of a recurring nuisance has been made as provided herein, a hearing shall not be necessary for issuance of the order imposing the fine.
- (b) A fine imposed pursuant to this section shall not exceed \$50.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation. The total fines imposed pursuant to this section shall not exceed \$15,000.00.
- (c) A certified copy of an order imposing a fine or other penalties may be recorded in the public records and thereafter shall constitute a lien against the land on which the nuisance exists. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of the state, including execution and levy against the personal property of the owner or operator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the owner or operator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine pursuant to this section runs in favor of the City and the City may execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien which remains unpaid, the Board special magistrate may authorize the foreclosure of the lien. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.

- (d) If the Board special magistrate should find that the nuisance is based upon a stolen property nuisance against a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against this or the property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant.
- (e) In addition to the foregoing, the Public Nuisance Abatement Board special magistrate may authorize the city attorney to file a complaint under F.S. § 60.05 seeking a permanent injunction against any place, property or premises found to be a public nuisance. The Board special magistrate may further authorize the city attorney to institute enforcement proceedings under F.S. § 120.69 and seek any other appropriate relief as may be provided or permitted. However, this subsection does not subject the City or the Board special magistrate to any other provisions of F.S., Ch. 120.

Sec. 11-190. Appeal.

An aggrieved party, including the local governing body, may appeal a final administrative order of the Board special magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board special magistrate. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

Section 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portion of this Ordinance.

Section 4. That all sections or parts of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. Specific authority is hereby granted to codify this Ordinance.

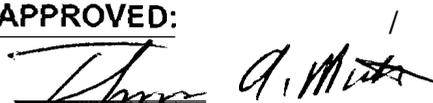
Section 6. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

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PASSED AND APPROVED on first reading this 20TH day of
AUGUST, 2008.

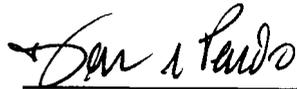
PASSED AND ADOPTED on second and final reading this 3RD day
of SEPTEMBER, 2008.

APPROVED:


THOMAS A. MASTERS, MAYOR


CEDRICK A. THOMAS
CHAIRPERSON

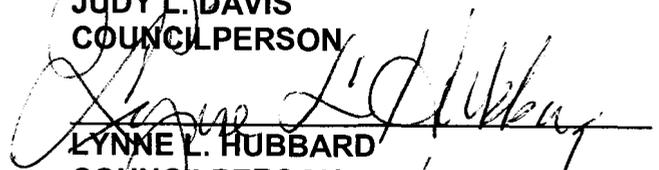
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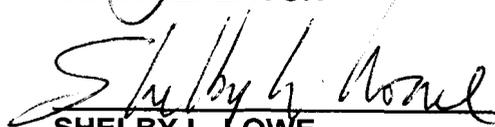

DAWN S. PARDO
CHAIR PRO-TEM

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
COUNCILPERSON


LYNNE L. HUBBARD
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

c. THOMAS _____

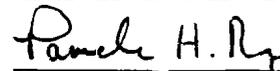
D. PARDO _____

J. DAVIS _____

L. HUBBARD _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 8/13/08

ORDINANCE NO.3046

PAGE 12

MOTIONED BY: D. PARDO

MOTIONED BY: D. PARDO

SECONDED BY: L. HUBBARD

SECONDED BY: J. DAVIS

	1 ST READING	2 ND & FINAL READING
CTHOMAS	AYE	AYE
D. PARDO	AYE	AYE
J. DAVIS	AYE	AYE
L. HUBBARD	AYE	AYE
S. LOWE	<u>AYE</u>	<u>AYE</u>

ORDINANCE NO. 3047

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009 FIXING THE MILLAGE RATE OF 8.4260 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assessment of ad valorem taxes requires the establishment of a rate of taxation.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA:

SECTION 1: That for the fiscal year beginning October 1, 2008 and ending September 30, 2009, the adjusted valuation on all real property and tangible business personal property within the City of Riviera Beach is hereby determined to be and is fixed as follows:

- (a) Real Property and Tangible Business Personal Property on which tax can be extended, exclusive of homestead property, \$* 4,006,571,545
* Subject to final approval of the Value Adjustment Board

SECTION 2: That for the fiscal year beginning October 1, 2008 and ending September 30, 2009, a tax of 8.4260 mills, which is -9.07 % less than the rolled-back rate of 9.2667 mills, on the dollar shall be, and is levied and shall be collected on all real property and tangible business personal property within the City of Riviera Beach, Florida, not specifically designated as homestead property or owned by the municipality and/or expressly exempted by the laws of the Constitution of the State of Florida for the purpose of raising funds for the improvements and government of the City, and for the payment of its obligations and expenses, and for the purpose of carrying out the purpose and duties granted and imposed by the City Charter and Code. Said real property and tangible business personal property being specifically set forth as Items A in Section 1 hereof and valued in the amount of \$4,006,571,545 subject to final approval of the Value Adjustment Board.

PAGE 2

ORDINANCE NO. 3047

SECTION 3: As provided by Section 200.065 (5) Florida Statutes, upon notification from the Property Appraiser of any aggregate change in the certified assessment roll, the City Manager is hereby authorized to certify to the Property Appraiser, within three (3) days of notification, an adjusted millage rate which shall be such that taxes computed by applying the adopted rate against the certified taxable value are equal to the taxable value on the roll to be extended.

SECTION 4: The millage rate is 8.4260 mills which is less than the rolled-back rate of 9.2667 mills by -9.07 percent.

SECTION 5: If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portion of this ordinance.

SECTION 6: That all sections or parts of sections of the Code of Ordinances, all Ordinances or parts of ordinances and all resolutions or parts of resolutions, in conflict herewith. be and the same are hereby repealed to extent of such conflict.

SECTION 7: This ordinance shall be in full force and effect immediately upon its passage and adoption.

ORDINANCE NO. 3047
PAGE 3

PASSED AND APPROVED on the first reading this 3rd day of September
2008

PASSED AND ADOPTED on second and final reading this 17th day of
September , 2008

APPROVED:



THOMAS A. MASTERS
MAYOR

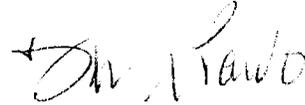


CEDRIC A. THOMAS
CHAIRPERSON

ATTEST:



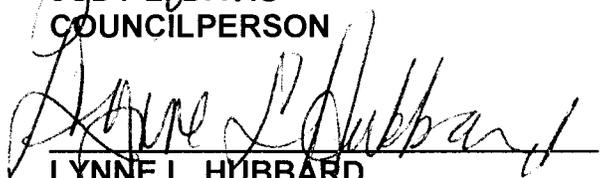
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



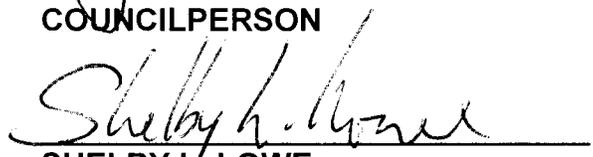
DAWN S. PARDO
CHAIR PRO TEM



JUDY L. DAVIS
COUNCILPERSON



LYNNE L. HUBBARD
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

1ST READING

MOTIONED BY: J. Davis

SECONDED BY: L. Hubbard

C. THOMAS	<u>aye</u>
J. DAVIS	<u>aye</u>
D. PARDO	<u>aye</u>
L. HUBBARD	<u>aye</u>
S. LOWE	<u>aye</u>

2ND & FINAL READING

MOTIONED BY: J. Davis

SECONDED BY: L. Hubbard

C. THOMAS	<u>aye</u>
J. DAVIS	<u>aye</u>
D. PARDO	<u>nay</u>
L. HUBBARD	<u>aye</u>
S. LOWE	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H.
PAMALA HANNA RYAN, C ATTORNEY

DATE: 8/28/08

ORDINANCE NO. 3048

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2009; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Manager has prepared and submitted to the City Council a Budget Estimate of the expenditures and revenues of all City departments, divisions, and offices for the fiscal year commencing October 1, 2008 and ending September 30, 2009, copies of such estimates having been made available to the newspapers in the city and to the municipal library that is open to the public; and

WHEREAS, the City Council has met in workshop sessions and held public hearings to ascertain the amount of money that must be raised to conduct the affairs of the municipality for the Fiscal Year 2008/2009 so that the business of the municipality may be conducted on a balanced budget and on sound business principles; and

WHEREAS, it has been determined that the amount necessary to be raised by ad valorem taxes and other taxes upon all of the property, real and personal, within the corporate limits of the City of Riviera Beach will be sufficient to run the General Fund operations of the City.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

Section 1

The attached schedule shows the appropriations made for the municipal operations of the City of Riviera Beach, Florida for Fiscal Year 2008/2009.

PAGE 2

ORDINANCE NO. 3048

Section 2

That the appropriations shown in the attached schedule are made based on the following anticipated sources of revenue for the Fiscal Year 2008/2009.

Section 3

This ordinance is an ordinance of precedence and all other ordinances in conflict with it are held null and void insofar as they pertain to these appropriations. The appropriations are the anticipated expenditure requirements for the City, but are not mandatory should efficient administration of City departments, divisions and offices or altered economic conditions indicate that a curtailment in certain expenditures is necessary or desirable for the general welfare of the City.

Section 4

The City Manager is directed to prepare and file with the City Clerk a statement of the proposed expenditures and estimated revenues for the Fiscal Year 2008/2009, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2008 through September 30,2009".

Section 5

The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from Fiscal Year 2007/2008.

Section 6

The City Manager is hereby authorized to invite or advertise for bids for the purchase of any material, equipment, or service provided by the budget for which formal bidding is required; such bids to be returnable to the City Councilor City Manager in accordance with Charter or Code provisions.

Section 7

If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portion of this ordinance.

Section 8

This ordinance shall be effective October 1, 2008 and shall not be delivered to the Municipal Code Corporation for inclusion in the Code Book.

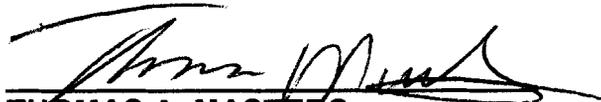
ORDINANCE NO. 3048

PAGE 3

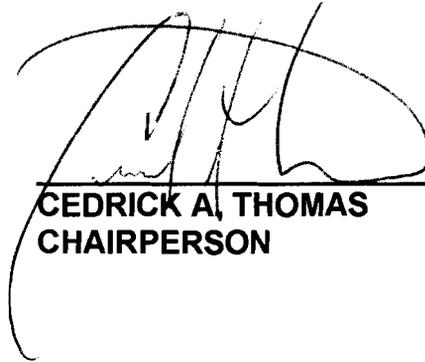
PASSED AND APPROVED on the first reading this _____ day of
SEPTEMBER 2008

PASSED AND ADOPTED on second and final reading this 17TH day of
SEPTEMBER 2008 .

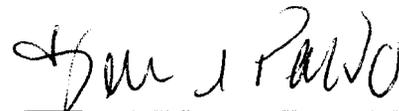
APPROVED:



THOMAS A. MASTERS
MAYOR



CEDRICK A. THOMAS
CHAIRPERSON



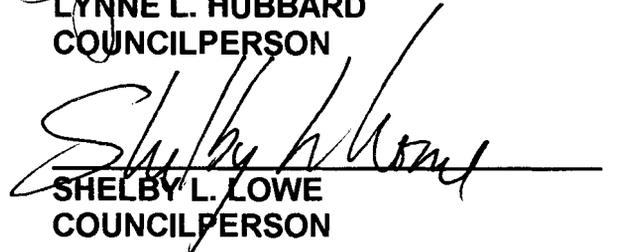
DAWN S. PARDO
CHAIRPERSON



JUDY L. DAVIS
COUNCILPERSON



LYNNE L. HUBBARD
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3049

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 14, ARTICLE II OF THE CITY'S CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES TO PROVIDE THAT RETIREES MAY AUTHORIZE **DIRECT** THIRD PARTY PAYMENTS AS A DEDUCTION FROM NET BENEFITS FOR SPECIFIC PURPOSES; PROVIDING FOR SERVERABILITY, CONFLICTS, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 2004 Florida Legislature enacted Chapter 2004-21, Law of Florida, which authorized the trustees of the city's police officers' and firefighters' pension plans, when authorized by a retiree or retiree's dependent, to make certain deductions from monthly retirement payments and the City desires to provide the same opportunity for general employees of the City; and

WHEREAS, an amendment to the city code is necessary to permit such deductions; and

WHEREAS, the Administration Board of the General Employees Retirement System have requested and approved such an amendment as being in the best interest of the participants and beneficiaries and improves the administration of the plan; and

WHEREAS, an actuarial statement of no impact has been provided to and reviewed by the City Council.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

SECTION 1. That the following Section 14-29 of Chapter 14, Article II is amended by adding the underlined language:

Section 14-29 Miscellaneous.

* * *

(d) Nonassignability. No pension provided for in this article shall be assignable or subject to garnishment for debt or for other

legal process; except the recipient of any monthly benefit may authorize the board of trustees to withhold from the monthly benefit those funds necessary to pay the premium for dental, health or life insurance benefits being received through the city.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach.

SECTION 3. If any word, phrase, clause, subsection or sections of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. Specific authority is hereby granted to codify of this ordinance.

PASSED AND APPROVED on first reading this 3RD day of SEPTEMBER, 2008.

PASSED AND ADOPTED on second and final reading this 17TH day of SEPTEMBER, 2008.

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APPROVED:

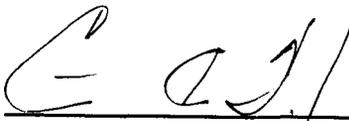

THOMAS A. MASTERS
MAYOR

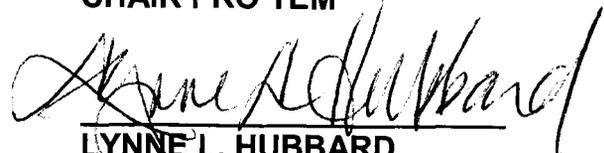

CEDRICK THOMAS
CHAIRPERSON

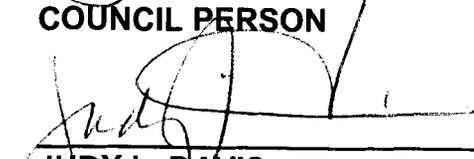
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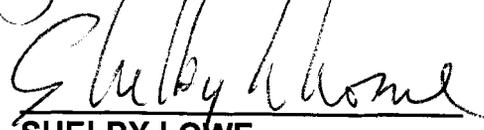

DAWN PARDO
CHAIR PRO TEM

ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


LYNNE L. HUBBARD
COUNCIL PERSON


JUDY L. DAVIS
COUNCIL PERSON


SHELBY LOWE
COUNCIL PERSON

ORDINANCE NO. 3049
PAGE ~~4~~

1st READING

MOTIONED BY: S. LOWE

SECONDED BY: L. HUBBARD

C. THOMAS AYE

D. PARDO AYE

L. HUBBARD AYE

J. DAVIS OUT

S. LOWE AYE

2nd & FINAL READING

MOTIONED BY: J. DAVIS

SECONDED BY: S. LOWE

C. THOMAS _A_YE

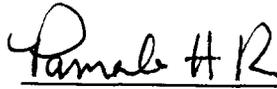
D. PARDO AYE

L. HUBBARD _A_YE

J. DAVIS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, TV ATTORNEY

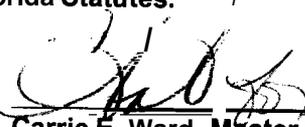
DATE: 8/27/08

ORDINANCE NO. 3049
PAGES

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

9-17-08
DATE


Carrie E. Ward, Master Municipal Clerk
City Clerk

ORDINANCE NO. 3050. —

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE V, ENTITLED "LICENSES AND BUSINESS REGULATIONS" BY REVISING TERMINOLOGY USED THEREIN FROM "OCCUPATIONAL LICENSE" TO "LOCAL BUSINESS TAX RECEIPT"; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY, CODIFICATION AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach Code of Ordinances, Chapter 10, Article V, entitled "Occupational License Tax", sets forth the City's occupational license requirements applicable to people maintaining a business within the municipal limits of the City; and

WHEREAS, the Florida Legislature enacted Chapter 2006-152, Laws of Florida amending Chapter 205, Florida Statutes, regarding occupational licenses; and

WHEREAS, the State Legislature has found that consumers have been provided local occupational licenses as proof of licensure; and

WHEREAS, occupational licenses, now amended by the State Legislature and recognized as local business tax receipts, are fees charged and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction and are not a regulatory vehicle; and

WHEREAS, in order to protect consumers from fraudulent activities, the Florida Legislature has amended Chapter 205, Florida Statutes, to replace the term occupational licenses with the term local business tax receipts because a local business tax receipt does not purport to establish proof of licensure or a certain level of service; and

WHEREAS, the City Council desires to modify Chapter 10, Article V, entitled "Occupational License Tax", in order to change the nomenclature from occupational licenses to local business tax receipts effective on the effective date of this Ordinance; and

WHEREAS, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 10, Article V, is hereby amended to change its nomenclature from occupational licenses to local business tax receipts in conformance with Chapter 205, Florida Statutes, and is read in its entirety, as follows:

ARTICLE V. OCCUPATIONAL LICENSE TAX BUSINESS TAX RECEIPT

Sec. 10-131. Definitions.

When used in this article, the following terms and phrases shall have meanings ascribed to them in this article, except when context clearly indicates a different meaning:

Business, profession and occupation do not include the customary religious, nonprofit charitable, and nonprofit educational institutions in the State of Florida which institutions are more particularly defined and limited as follows:

(1) *Religious institutions* means churches and ecclesiastical or denominational organizations or established physical places for worship in the State of Florida at which nonprofit religious services and activities are regularly conducted and carried on, also includes church cemeteries.

(2) *Educational institutions* means state tax supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

(3) *Charitable institutions* means only nonprofit corporations operating physical facilities in this state at which are provided charitable services, a reasonable percentage of which are without cost to those unable to pay.

Classification means the method by which an occupation, business or group of businesses is identified by size, type or both.

Local Business tax means the fees charged and the method by which the City grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of this Code.

Merchandise means any goods, wares, commodities, and items more specifically enumerated herein below, bought or sold in the usual course of business or trade.

Merchant means any person engaged in the business of selling merchandise at retail or wholesale.

Occupational license means the method by which the City grants the privilege of engaging in or managing any business, profession or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission or officer for permits, registration, examination or inspection; unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of any local--occupationallicense tax imposed under the provisions of this article.

Person means any individual, firm, partnership, joint adventure, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary and includes the plural as well as the singular.

Receipt means the document that is issued by the City which bears the words "Local Business Tax Receipt" and evidences that the person in whose name the document is issued has complied with the provisions of this chapter relating to the business tax. The receipt does not regulate a business and does not guarantee the quality of the work of a business.

Retail merchant means any merchant who sells to the consumer or for any purpose other than resale, except sales to manufacturers and sales to the United States government, the state, or any political subdivision of either of them, shall be considered wholesale sales.

Sale means the transfer of ownership, title, or possession, transfer, exchange, or barter, whether conditional or otherwise, for a consideration.

Stock of merchandise means the full cash value of merchandise or goods on hand for the applicant's fiscal year, and not the amount of capital stock invested in the business.

~~Tax Collector~~ means the City officer designated by this article to collect the occupational license tax business tax.

Taxpayer means any person liable for taxes imposed under the provisions of this article; any agent required to file and pay taxes imposed hereunder and their heirs, successors, assignees and transferee of any such person or agent.

Wholesale merchant means any merchant who sells to another for the purpose of resale.

Sec. 10-132. License Business Tax Receipt required.

It shall be unlawful for any person, either directly or indirectly, to conduct any business, profession or occupation or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license business tax receipt or permit is required by any law or ordinance of this City without a license business tax receipt or permit therefore being first procured and kept in effect at all times as required by this article or chapter or other laws or ordinances of the City. Such occupational licenses business tax receipts shall be required of:

- (1) Any person who maintains a permanent business location or branch office within this City for the privilege of engaging in or managing any business within this jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within this City for the privilege of engaging in or managing any profession or occupation within this jurisdiction.
- (3) Any person who does not qualify under subparagraph (1) or (2) and who transacts any business or engages in any occupation or profession in interstate commerce if the license tax business tax receipt is not prohibited by Section 8 of Article 1 of the United States Constitution.

Sec. 10-133. License or privilege tax Business Tax levied; same to be on basis of one year.

A license or privilege tax is hereby imposed upon every business engaged in or carried on either wholly or in part, within this City in respective amounts set forth in the classification and fee schedule. Every person, engaging in, carrying on, managing or practicing any business, profession or occupation; either wholly or in part within the jurisdiction of this City is hereby required to pay to the City a license or privilege tax in the amount designated by classification and fee schedule. A license business tax receipt is not valid for more than one year and all licenses business tax receipts expire on September 30 of each year except as otherwise provided by law.

Sec. 10-134. Duration and proration of license business tax receipt, issuance of same.

(a) All licenses business tax receipts shall be renewed by the City ~~tax~~ collector beginning August July 1 of each year and are due and payable on or before September 30 of each year and expire on September 30 of the succeeding year. If September 30-falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30

(b) Any person who engages in or manages any business, occupation or profession without first obtaining ~~an~~ occupational license a business tax receipt as required by this article is subject to a penalty of 25 percent of the license tax due, in addition to other penalties ~~set forth~~ in the chapter and code of ordinances of the city provided by law or ordinance.

(c) Any person who engages in any business, occupation or profession covered by this chapter article, who does not pay the required occupational license tax business tax within 150 days after the initial notice of tax due and who does not obtain the required occupational license business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00 pursuant to F.S. 205.053(3).

(d) ~~Licenses~~ Business tax receipts that are not renewed when due and payable are delinquent and subject to delinquency penalty of ten percent for the month of October plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency may not exceed 25 percent of the occupational license tax business tax receipt for the delinquent establishment. All delinquent licenses business tax receipts expire after January 31 and ~~s~~ubject the unlicensed delinquent person to additional penalties as provided in this chapter article or other laws or ordinances.

(e) New licenses business tax receipts issued between ~~September~~ October 1 and April 1 shall require the full tax for anyone year be paid. For each license business tax receipt issued between April 1 and July 1, one-half of the full amount of tax for one year shall be paid. For each license business tax receipt due between July 1 and September 4 ~~30~~, one-fourth at the full amount of tax for one year shall be paid.

(f) The fact that the licensee business tax receipt recipient has not received a bill or notice from the City for the license tax due shall not be defense in any prosecution for violation of this chapter or justification for waiver of any penalty, provided the City has mailed renewal notices on August July 1 and September 1.

- (g) Upon payment of such tax, the ~~tax~~ collector shall issue to the person paying same, a receipt or license business tax receipt in which shall expire at the end of the period that such license business tax receipt is issued as specified in this article.

Sec. 10-135. Transfer of license business tax receipt.

(a) Any business license business tax receipt may be transferred to a new owner, when there is a bona fide sale of a business, upon payment of a transfer fee of \$25.00 and evidence of sale.

(b) Upon written request and presentation of the original license business tax receipt, any license business tax receipt may be transferred from one location to another approved location in this City upon payment of a transfer fee of \$25.00.

Sec. 10-136. Taxation as to professions.

The license or privilege tax business tax receipt provided in the license business tax receipt schedule for professions such as architects, physicians, lawyers, real estate salesmen and similar professions shall be construed to mean that each individual shall pay the tax provided; whether practicing by individuality or in partnership or employed by another. Professional persons practicing in the employment of a government agency ~~is~~ are exempt from this provision.

Sec. 10-137. Affidavits as to the amount of stock in trade, number of units or other declaration.

(a) Whenever the amount of a license business tax receipt fee applied for depends upon the amount of stock in trade carried or the number of units being used by a licensee business tax receipt recipient or any other facts not within the personal knowledge of the ~~tax~~ collector, no license business tax receipt shall be issued until the applicant, therefore, has made and filed with the ~~tax~~ collector an affidavit, duly authenticated, setting forth the amount of stock in trade, number of units or other facts which determines the license business tax receipt fee.

(b) The ~~tax~~ collector may request an affidavit as to quantities or other information as may be required to accurately determine the correct tax. Any licensee recipient shall be subject to perjury and false report ordinances and laws for filing fraudulent affidavits to avoid or understate taxes.

(c) Any license business tax receipt issued upon any false statement made under oath on the application shall be considered as void from the beginning and shall not protect the holder thereof from prosecution for transacting business without a license business tax receipt or during business with a greater stock in trade or number of units.

Sec. 10-138. Evidence of engaging in business; prosecution and penalties.

(a) The fact that a person represents himself as being engaged in any business for which a license business tax receipt is required for the transaction of business or the practice of a profession shall be evidence of the liability of such person to pay for a license business tax receipt. Soliciting business, displaying a sign or advertising which indicates the conducting of a business or profession shall be sufficient evidence that such person is conducting a business and required to obtain a occupational license business tax receipt. Such person does not have to actually transact any business or practice a profession to be liable. Any person with a commercial listing in the telephone directory, City directory or cross reference directory shall be presumed to operate a business or profession and subject to licensing acquiring a business tax receipt.

(b) In any prosecutions under this chapter article, the fact that such person is open for business shall be prima facie evidence of engaging in such trade, business, profession or occupation and the burden shall be upon the defendant to refute the same.

(c) Each day or a part of a day that any provision of this chapter is violation shall constitute a separate and distinct offense, for which such persons or their agents, servants or employees may be prosecuted.

Sec. 10-139. Agents responsible for obtaining license a business tax receipt.

The agents or other representatives of nonresidents who are doing business in the City shall be personally responsible for compliance with this chapter article by their principals and of the business they represent.

Sec. 10-140. Each location to have a separate license business tax receipt.

If any person operates a business at more than one location, each location shall be considered a separate business and a separate license business tax receipt is required for each location.

Sec. 10-141. Tax for wholesale and retail merchant.

Any person who is both a wholesale and retail merchant as defined in the license business tax receipt classification and fee schedule is hereby required to pay a license tax business tax on both the wholesale and retail business.

Sec. 10-142. Administration.

The provisions of this article shall be administered by the licensing and code Business Tax Receipt Division of the Department of Community Development ~~and~~ environmental control (CDEC). The CDEC director ~~Director of Community~~

Development or his designee shall perform the duties and functions of ~~tax~~ collector as stated in F.S. 213.053 and Section 12-22 of the Florida Administrative Code. The designee code administrator under the supervision of CDEC director Director of Community Development shall:

- (1) Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this article.
- (2) Prepare all forms, certificates, decals and prescribe the information to be given therein as to character and other relevant matters for all necessary requirements.
- (3) Require applicants to submit a completed and signed application with all affidavits and oaths necessary for the administration of this article. Each application will be submitted with payment of a \$20.00 nonrefundable application fee.
- (4) Investigate and determine the eligibility of any applicant for a license business tax receipt, as prescribed by this article or other governing laws and ordinances. Obtain endorsements of other agencies which may have a regulatory interest in a particular license business tax receipt.
- (5) Notify any applicant of the acceptance or rejection of their application in writing, with reasons for the denial of license the business tax receipt.

Sec. 10-143. Duplicate license business tax receipt procedure.

A duplicate license business tax receipt or special permit shall be issued by the ~~tax~~ collector to replace any license business tax receipt previously issued which has been lost, stolen, defaced or destroyed upon filing by licensee recipient of an affidavit, sworn to before a notary public of Florida attesting to such fact. A fee of \$5.00 will be assessed for replacing a license business tax receipt.

Sec. 10-144. Licenses Business tax receipts and insignia.

Every licensee business tax receipt recipient under this article shall:

- (1) *Premises.*
 - a. Post and maintain license the business tax receipt at the location for which it is issued upon the licensed premises in a prominent location to be seen by the public at all times.

(2) *Vehicles.*

a. *Generally.* Any general or special license fees required for any kind of vehicle, for the privilege of being operated on public highways, by any statute, provision of this code or other ordinance, shall not abrogate, limit or affect any further requirements of this article or other ordinances or laws for additional or separate licenses business tax receipts, permits and insignia and fees for such vehicles or other uses, for and relating to the same in the business location so licensed.

b. *Motor vehicles.* Affix any insignia for use in connection with a licensed motor vehicle inside the windshield or left windowing of the vehicle or as may be otherwise prescribed by the ~~tax~~ collector or by law.

c. *Motorless vehicles.* Affix any metal or durable type of insignia delivered for use in connection with a wagon or other type vehicle securely on the outside of vehicle in readily visible location.

(3) *Persons.* Carry such license business tax receipt on their person when there is no licensed physical business premises.

(4) *Machine.* Affix any City insignia delivered for use in connection therewith upon the outside of any coin vending or other business machine or device, so that it may be seen at all times.

(5) *Inoperative ~~licenses~~ business tax receipts, special permits and insignia.* Any license business tax receipt, special permit or insignia shall not remain posted, displayed or used after the period for which it was issued has expired, or when it has been suspended or revoked or for any other reason become ineffective. The licensee business tax receipt recipient shall promptly return such inoperative license business tax receipt, special permit or insignia to the ~~tax~~ collector.

(6) *Unlawful possession.* A licensee business tax receipt recipient shall not loan, sell, give or assign to any other person or allow any other person to use or display or destroy, damage or remove, or have in their possession except as authorized by ~~tax~~ collector or by law, any license business tax receipt or insignia which has been issued to such licensee business tax receipt recipient.

Sec. 10-145. General standards of conduct of licensees business tax receipt recipients.

Every licensee under this chapter shall:

(1) *Permit inspection.*

- a. Permit all reasonable inspections of businesses and examination of records necessary to establish occupational license tax business tax receipts by public authorities so authorized by law.
- b. Comply with the governing laws, ordinances, statutes and regulations applicable to such licensed authorized business.
- c. Operate business or profession in such a manner not to create conditions that would affect the public health, safety, morals or welfare.
- d. Cease business upon expiration of a license business tax receipt. Businesses and professions will cease operating on premises or in this City after expiration of a license business tax receipt, revocation or suspension.

Sec. 10-146. Requirement to report status of fictitious name registration.

(a) Applicant or new owner of business must present:

- (1) A copy of applicants current fictitious name registration issued by the Division of Corporations of the Department of State; or
- (2) A written statement signed by applicant which sets forth reason applicant need not comply with the Fictitious Name Act.

(b) Any change in name will require a new fictitious name registration.

Sec. 10-147. Requirement to exhibit state license or registration.

Any profession regulated by the Department of Business and Professional Regulation must exhibit an actual active state certificate, registration or license prior to issuance of a City license business tax receipt. Thereafter, only persons applying for the first time for a local occupational license business tax receipt must exhibit such certification, registration or license.

Sec. 10-148. Vending and amusement machines.

The business premises where a coin-operated or token-operated vending machine that dispenses products, merchandise or services or where an amusement or game machine is operated must assure that the required occupational license business tax receipt for the machine is secured.

Sec. 10-149. Prerequisite for issuance of certain occupational license business tax receipts.

(a) *Pharmacies and pharmacists.* Pharmacies and pharmacists must exhibit a current permit issued by the Board of Pharmacy prior to issuance of occupational license a business tax receipt.

(b) ~~*Adult congregate living fac/HUes*~~ *Assisted living facilities.* No occupational license business tax receipt may be issued until the applicant has been licensed by the Department of Health and Rehabilitation Services or the Agency for Health Care Administration to operate such facility at the specified location.

(c) *Health studios or ballroom dance studios.* No occupational license business tax receipt will be issued unless such business exhibits a current license, registration or letter of exemption from Department of Agriculture and Consumer Services.

(d) *Household moving services.* A business tax receipt may not be issued or renewed for the operation of a mover or moving broker under Chapter 507, Fla. Stat., unless the mover or broker exhibits a current registration from the Department of Agriculture and Consumer Services.

(e) *Sellers of travel; consumer protection.* No occupational license business tax receipt will be issued to engage in the business as a seller of travel pursuant to F.S. 559.927 unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.

(f) *Pest control occupational license.* No occupational license business tax receipt may be issued unless a current license has been procured from the Department of Agriculture and Consumer Services for each of its business locations in the City.

(g) *Telemarketing businesses.* An occupational license business tax receipt may not be issued for the operation of a telemarketing business unless such business exhibits a current license or registration from the Department of Agriculture and Consumer Services or a current affidavit of exemption.

Sec. 10-150. Classifications and rate structure.

The occupational license business tax receipt classifications and fee schedule are adopted to levy ~~an~~ occupational license tax business tax for the privilege of engaging or managing any business, profession or occupation within the incorporation of the City. The schedule and fee structure due to the length and context of the section, will not be codified, being placed on reserve at the City Clerk's office.

Sec. 10-151. Exemptions from occupational license obtaining a business tax receipt.

(a) Exemption.

(1) *Motor vehicles.* Vehicles for the sale and delivery of wholesale or retail from a place of a licensed business will not have a separate license tax business tax levy pursuant to F.S. 205.063.

(b) Farm agricultural, grove horticultural, floricultural, tropical piscicultural and tropical fish farm products; certain exemptions pursuant to F.S. 205.064.

(c) Nonresident persons regulated by the Department of Business and Professional Regulations exemption pursuant to F.S. 205.065.

(d) Exemption allowed certain disabled persons, the aged and widows with minor dependents pursuant to F.S. 205.162.

(e) Exemptions allowed disabled veterans of any war or their unremarried spouses pursuant to F.S. 205.171.

(f) Mobile home setup operations, local license business tax receipt prohibited pursuant to F.S. 205.193.

Sec. 10-152. Religious tenets; exemption.

Nothing in this article shall be construed to require a license business tax receipt for practicing the legal tenets of any church.

Sec. 10-153. Charitable organizations, etc., occasional sales, fundraising; exemption.

No occupational license business tax receipt shall be required of any charitable religious, fraternal, youth, civic, service or other such organization when the organization make occasional sales or engages in fundraising projects when the projects are performed exclusively by members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic and service activities of the organization.

Sec. 10-154. Termination of licenses a business tax receipt upon bankruptcy.

It shall be unlawful for any person to engage in the business of selling or sell, any goods, wares, merchandise, or other personal property, advertised as or generally referred to as a bankrupt sale, wholesale's or manufacturer's closing out sale, or as goods damaged by fire, smoke, water, or other wise, before the person shall have filed an application with the City for a license business tax receipt to conduct the business or make the sale.

Sec. 10-155. Business Tax Receipt in lieu of Occupational License.

The term "Business Tax Receipt" as defined in this article shall replace and be used in lieu of the term "Occupational License" wherever the term "Occupational License" appears in this Code or any ordinance or resolution adopted by the City prior to the effective date of this section.

Sec. 10-156. Enforcement.

The provisions of this Article may be enforced through the City's code enforcement procedures and may be pursued by appropriate remedy in court at the city's discretion.

SECTION 3. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 4. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this Ordinance may be renumbered to accomplish such intentions.

SECTION 5. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

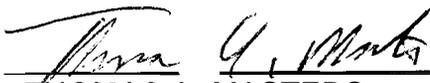
SECTION 6. Specific authority is hereby granted to codify this Ordinance.

SECTION 7. This ordinance shall be in full force and effect immediately upon its final passage and approval.

PASSED AND APPROVED on the first reading this 3RD day of SEPTEMBER 2008.

PASSED AND ADOPTED on second and final reading this 17TH day of SEPTEMBER 2008.

APPROVED:

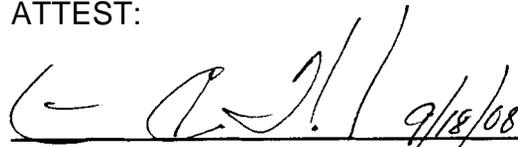


THOMAS A. MASTERS
MAYOR

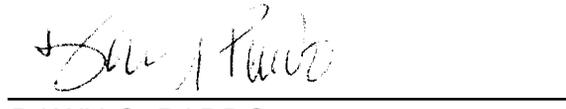


CEDRICK A. THOMAS
CHAIRPERSON

ATTEST:



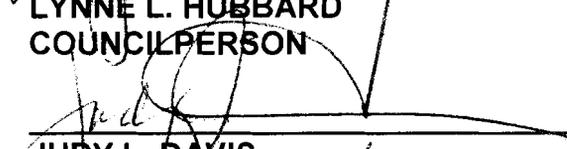
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



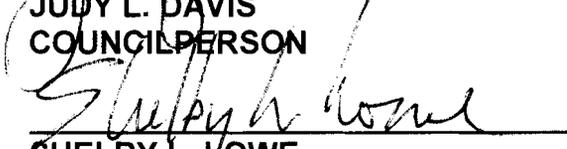
DAWN S. PARDO
CHAIR PRO TEM



LYNNE L. HUBBARD
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3050
PAGE 15

1ST READING

MOTIONED BY: L. HUBBARD

SECONDED BY: S. LOWE

C. THOMAS AYE

D. PARDO AYE

L. HUBBARD AYE

J. DAVIS OUT

S. LOWE AYE

2ND & FINAL READING

MOTIONED BY: L. HUBBARD

SECONDED BY: S. LOWE

C. THOMAS AYE

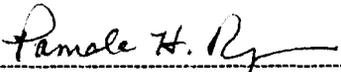
D. PARDO AYE

L. HUBBARD AYE

J. DAVIS AYE

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 8/27/08

ORDINANCE NO. 3051

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP LAND USE DESIGNATION FROM SINGLE FAMILY RESIDENTIAL: UP TO 6 UNITS PER ACRE TO COMMERCIAL FOR 0.16 ACRES LOCATED AT 2701 OLD DIXIE HIGHWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 163.3187(1)(c) provides the requirements for adoption of small scale amendments to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the subject property is currently assigned a Future Land Use Designation of Single Family Residential: Up to 6 units per acre and is being amended to a Future Land Use of Commercial; and

WHEREAS, on August 14, 2008, the Planning and Zoning Board reviewed the proposed change from a Single Family Residential Future Land Use, to Commercial Future Land Use, and forwarded a recommendation of approval to the City Council; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to Florida Statutes, the City of Riviera Beach, Florida, Comprehensive Future Land Use Map is hereby amended in accordance with Section 163.3187(1)(c) for small scale amendments for the subject property as described below:

LEGAL DESCRIPTION

PCN: 56-43-42-29-15-026-0030
CONTAINING: 0.16 ACRES, MORE OR LESS.

*****THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK*****

ORDINANCE NO. 3051

PAGE 2

Section 2. That the Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map from Single Family Residential: Up to 6 units per acre to Commercial.

Section 3. Should any word, phrase, clause, subsection, section, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof that the part declared to be invalid.

Section 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 5. That the effective date of this small scale plan amendment shall be 31 days after adoption, or if the amendment is challenged, the effective date will not be until the State Land Planning Agency issues a final order determining that the adopted small scale amendment is in compliance.

PASSED AND APPROVED on the first reading this 3RD day of SEPTEMBER 2008.

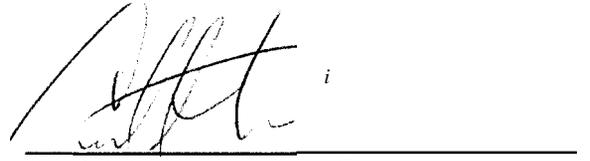
PASSED AND ADOPTED on second and final reading this 17TH day of SEPTEMBER 2008.

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ORDINANCE NO. 3051
PAGE 3

APPROVED:

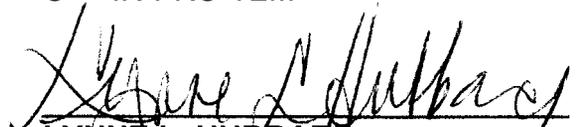

THOMAS A. MASTERS
MAYOR


CEDRICK A. THOMAS
CHAIRPERSON

ATTEST:

 9/18/08
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


DAWN S. PARDO
CIR PRO TEM


LYNNE L. HUBBARD
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

C. THOMAS _____

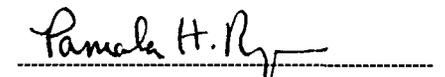
D. PARDO _____

L. HUBBARD _____

J. DAVIS _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 8/27/08 _____

ORDINANCE NO. 3051
PAGE 4

MOTIONED BY: S. LOWE

MOTIONED BY: L. HUBBARD

SECONDED BY: L. HUBBARD

SECONDED BY: D. PARDO

1ST READING

2ND & FINAL READING

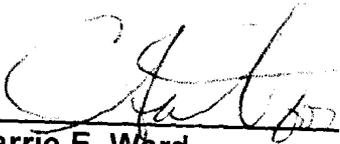
C. THOMAS	<u>AY=E</u>	-
D. PARDO	<u>AYE</u>	-
L. HUBBARD	<u>AYE</u>	-
J. DAVIS	<u>OUT</u>	-
S. LOWE	<u>AYE</u>	-

<u>AYE</u>

ORDINANCE NO. 3051
PAGE 5

CERTIFICATION OF PUBLICATION

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



Carrie E. Ward
Master Municipal Clerk
City Clerk

9-17-08

Date

ORDINANCE NO. 3052

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, UPDATING THE ZONING MAP OF THE CITY OF RIVIERA BEACH BY ASSIGNING A ZONING CLASSIFICATION OF CG: GENERAL COMMERCIAL DISTRICT ON 0.16 ACRES LOCATED AT 2701 OLD DIXIE HIGHWAY; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Chapter 166.041 provides procedures to adopt an ordinance involving less than ten (10) contiguous acres; and

WHEREAS, the subject property is currently assigned a zoning designation of RS-8: Single Family Dwelling District; and

WHEREAS, on August 14, 2008, the Planning and Zoning Board reviewed the proposed zoning change from RS-8: Single Family Dwelling zoning classification, to CG: General Commercial zoning classification, and forwarded a recommendation of approval to the City Council; and

WHEREAS, the proposed zoning classification for the subject property was reviewed for consistency with the City of Riviera Beach Comprehensive Plan Future Land Use Map and was found to be consistent by the Planning and Zoning Board; and

WHEREAS, the City Council sitting as the Local Governing Body conducted a Public Hearing and first reading of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The City of Riviera Beach Zoning Map is hereby amended to assign a zoning classification of CG: General Commercial District for the following subject property. The legal description is as follows:

LEGAL DESCRIPTION

PCN: 56-43-42-29-15-026-0030
CONTAINING: 0.16 ACRES, MORE OR LESS.

*****THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK*****

Section 2. If any word, phrase, clause, subsection or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portions of this Ordinance.

Section 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 4. That the Director of Community Development is hereby authorized and directed to update the City's Zoning Map in accordance with the changes described by this Ordinance.

Section 5. That the effective date of this zoning change shall be 31 days after adoption, or if the zoning change is challenged the effective date will not be until a final order determining that the zoning change is in compliance.

PASSED AND APPROVED on the first reading this 3RD day of SEPTEMBER 2008.

PASSED AND ADOPTED on second and final reading this 17TH day of SEPTEMBER 2008.

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ORDINANCE NO. 3052
PAGE 3

APPROVED:



THOMAS A. MASTERS
MAYOR

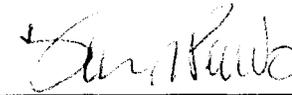


CEDRICK A. THOMAS
, CHAIRPERSON

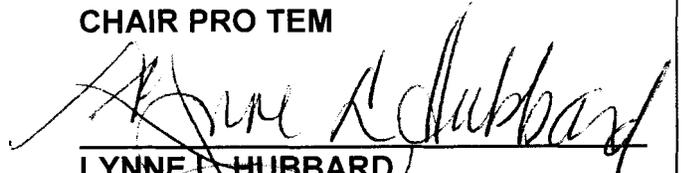
ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



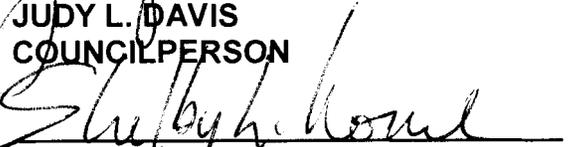
DAWN S. PARDO
CHAIR PRO TEM



LYNNE L. HUBBARD
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

C. THOMAS _____

D. PARDO _____

L. HUBBARD _____

J. DAVIS _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY



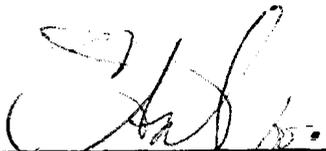
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 8/27/08 _____

ORDINANCE NO. 3052
PAGE 5

CERTIFICATION OF PUBLICATION

I hereby certify that the notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.



Carrie E. Ward
Master Municipal Clerk
City Clerk

9-17-08

Date

ORDINANCE NO. 3053 —

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, FLORIDA, PALM BEACH COUNTY, FLORIDA AMENDING CHAPTER 14, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE OFFICERS' PENSION PLAN; PROVIDING THAT EFFECTIVE OCTOBER 1, 2008 THE JOINT PENSIONER OPTION MONTHLY AMOUNT ONLY BE REDUCED ON THE DEATH OF THE POLICE OFFICER PARTICIPANT; PROVIDING FOR SERVERABILTY, CONFLICTS, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Administration Board of the Police Officers' Pension Plan has recommended and approved amendments to the existing Code to provide that the optional benefit provision of the plan shall only be reduced on the death of the police officer participant; and

WHEREAS, the Police Officers' Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, the City Council deems it to be in the public interest to provide this change to the pension plan for its police officer employees.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

SECTION 1. That Section 14-77 of Article IV, Chapter 14 of the Riviera Beach Code is hereby amended by adding the following underlined words as subsection (3) and renumbering existing subsection (3) as subsection (4):

Sec. 14-77. Optional forms of retirement income.

(a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified in this article, a police officer, upon written request to the board of trustees and subject to the approval of the board of trustees, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

- (1) A retirement income of larger monthly amount, payable to the police officer for his lifetime only.

(2) A retirement income of a modified monthly amount, payable to the police officer during the joint lifetime of the police officer and a joint pensioner designated by the police officer, and following the death of either of them, 50 percent, 75 percent, 66 2/3 percent or 100 percent of such monthly amount payable to the survivor for the lifetime of the survivor.

(3) A retirement income of a modified monthly amount payable to the police officer that retires on or after October 1, 2008, during the joint lifetime of the police officer and a joint pensioner designated by the police officer, and following the death of the police officer, 50 percent, 75 percent, 66 2/3 percent or 100 percent of such monthly amount payable to the joint pensioner for the lifetime of the joint pensioner.

~~(3)~~ (4) Such other amount and form of retirement payments or benefit as, in the opinion of the board of trustees, will best meet the circumstances of the retiring police officer.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach.

SECTION 3. If any word, phrase, clause, subsection, or sections of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

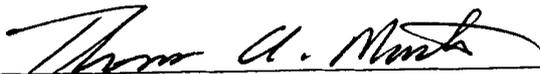
SECTION 5. Specific authority is hereby granted to codify this ordinance.

PASSED AND APPROVED on first reading this 17th day of September, 2008.

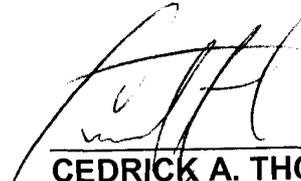
PASSED AND ADOPTED on second and final reading this 1 day of July, 2008.

RDINANCE NO. 3053
AGE 3

APPROVED:



THOMAS A. MASTERS, MAYOR



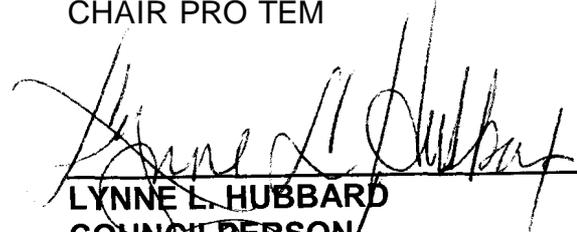
CEDRICK A. THOMAS
CHAIRPERSON

(MUNICIPAL SEAL)



DAWN S. PARDO
CHAIR PRO TEM

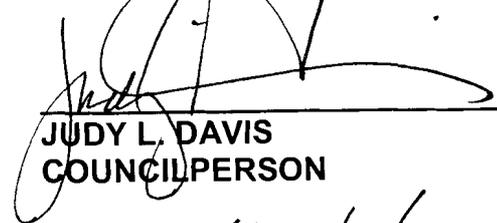
ATTEST:



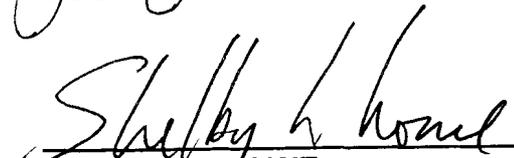
LYNNE L. HUBBARD
COUNCILPERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. 3053
PAGE 4

1ST READING

MOTIONED BY: D. Pardo

SECONDED BY: L. Hubbard

C. THOMAS aye
D. PARDO aye
L. HUBBARD aye
J. DAVIS aye
S. LOWE aye

2ND & FINAL READING

MOTIONED BY: D. Pardo -

SECONDED BY: L. Hubbard

C. THOMAS aye
D. PARDO aye
L. HUBBARD aye
J. DAVIS aye
S. LOWE aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala H. Ryan
PAMALA HANNA RYAN, TV ATTORNEY

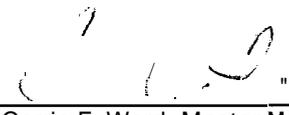
DATE: 9/10/08 -

ORDINANCE NO. 3053
PAGES

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

10/1/2008
DATE



Carrie E. Ward, Master **Municipal** Clerk
City Clerk

ORDINANCE NO. 3054 —

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, SEC. 14-21(2) ENTITLED "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES BY PROVIDING FOR A TERMINATION INCENTIVE THROUGH THE PURCHASE OF CONTINUOUS SERVICE FOR PRIOR MILITARY SERVICE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City administration recommends the amendment to the existing Code to provide improved retirement benefits for participants of the General Employees Pension Plan with prior military experience; and

WHEREAS, the City deems it to be in the public interest to provide an updated retirement system for its employees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH AS FOLLOWS:

SECTION 1. Section 14-21 of Article II, Chapter 14 of the Riviera Beach Code is hereby amended by deleting the following stricken through language and adding the underlined language to subsection (2) and adding subsection (3) to the definition for *Continuous Service*:

Sec. 14-21. Definitions.

* * *

(2) Any service, voluntary or involuntary, in the armed forces of the United States, provided the member is legally entitled to reemployment under the provisions of the Universal Training and Service Act Uniformed Services Employment and Reemployment Rights Act (USERRA), and any amendments thereto, or any law applicable to such reemployment, and provided further that such member shall apply for reemployment within three months following termination of such service. Further, a member may, within the first year of employment with the City of Riviera Beach (or within 90 days of being notified of eligibility by the city for members employed prior to enactment of this ordinance amendment), purchase up to five years, not to exceed 60 months of service for service in the Armed Forces of the United States or United States Merchant Marines prior to employment with the city. Such prior service purchase shall be made by depositing with the pension fund the full actuarial costs of such years of service that would have occurred had the member been employed by the city for the number of years purchased. Such payment for said prior service may be made as a lump

sum or in installments not to exceed the years of service purchased; however, the amount must be paid in full prior to retirement. Installment payments shall require interest at the actuarial rate of return for the years purchased, said interest to be determined by the fund actuary. Such purchase of prior service shall take effect upon vesting. If a member terminates service prior to vesting and receives a refund of employee contributions, the amount paid for such prior service shall also be refunded.

(3) Notwithstanding the above paragraph (2) any participant having attained an age of at least sixty-one (61) years and having at least eight and one-half years of continuous service with the City of Riviera Beach, that terminates employment with the City of Riviera Beach between September 1, 2008 and October 31, 2008 voluntary or involuntary, may purchase up to eighteen (18) months of continuous service for serving in the armed forces of the United States, prior to employment with the City of Riviera Beach. Such prior service purchase shall be made by depositing with the Pension Fund the full actuarial costs of such years of service that would have occurred had the member been employed by the City of Riviera Beach, for the number of years and months purchased. Payment for said prior service shall be made as a lump sum to be paid in full within sixty (60) days of such member's termination date. Purchase of said prior service shall be considered in calculation of vesting and benefit entitlement. If the member fails to make such lump sum payment within the stated period of time herein no such continuous service shall be credited to the member.

Eligibility to purchase prior service under paragraph (3) shall also be subject to the following:

- a. Prior service shall not be granted for service where the member is receiving or is entitled to receive a benefit from another governmental pension system.
- b. Prior service under this section shall be provided only for service in the Armed Forces of the United States.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the section of this ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the validity thereof shall not affect the validity of any remaining portions of this ordinance.

SECTION 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall **NOT** be codified.

SECTION 6. This ordinance shall be in full force and effective immediately upon its final passage and adoption.

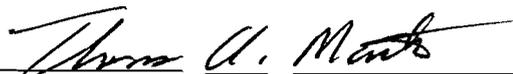
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ORDINANCE NO. 3054
PAGE -4-

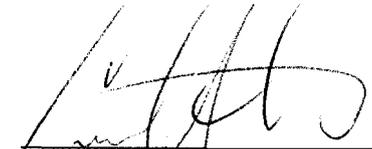
PASSED AND APPROVED on the first reading this 1st day of
October 2008

PASSED AND ADOPTED on second and final reading this 1 day of
October - 2008.

APPROVED:



THOMAS A. MASTERS, MAYOR



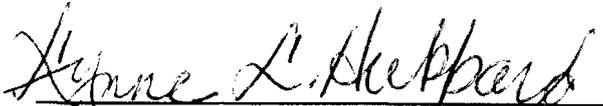
CEDRICK A. THOMAS
CHAIRPERSON

(MUNICIPAL SEAL)

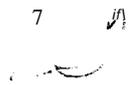


DAWN S. PARDO
CHAIR PRO TEM

ATTEST:



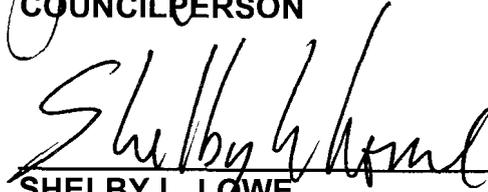
LYNNE L. HUBBARD
COUNCILPERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

1ST READING

MOTIONED BY: L. Hubbard

SECONDED BY: J. Davis

C. THOMAS	<u>aye</u>
D. PARDO	<u>aye</u>
L. HUBBARD	<u>aye</u>
J. DAVIS	<u>aye</u>
S. LOWE	<u>aye</u>

2ND & FINAL READING

MOTIONED BY: D. Pardo

SECONDED BY: S. Lowe

C. THOMAS	<u>aye</u>
D. PARDO	<u>aye</u>
L. HUBBARD	<u>absent</u>
J. DAVIS	<u>aye</u>
S. LOWE	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

ORDINANCE NO. 3055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN, CAPITAL IMPROVEMENT ELEMENT, FOR THE CITY'S FIVE YEAR CAPITAL PROJECTS PLAN FOR FISCAL YEARS 2009 THROUGH 2013, WHICH IS REQUIRED TO BE AMENDED ANNUALLY ACCORDING TO FLORIDA STATUTES SECTION 163.3177; AND PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 163.3177 states that the Capital Improvement Element of the Comprehensive Plan must be amended annually in order to maintain a financially feasible five year schedule of capital projects plan; and

WHEREAS, Florida Statutes Section 163.3164(32) states that sufficient revenues must be currently available or committed to fund the first three years of the capital improvement plan and that there are planned funding sources for the fourth and fifth years of the capital improvement schedule; and

WHEREAS, a summary of the Five Year Capital Projects Plan is attached for approval and if approved, will be in compliance with Florida Statutes Section 163.3177.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, THAT:

SECTION 1. The City Council amends the Comprehensive Plan Capital Improvement Element for the City's Five Year Capital Projects Plan fiscal years 2009 through 2013, which is required to be amended annually according to Florida Statutes Section 163.3177.

SECTION 2. Should any word, phrase, clause, subsection, section, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared invalid.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

SECTION 4. This Ordinance shall take effect upon its final passage and approval by the City Council and shall not be delivered for inclusion in the Code Book.

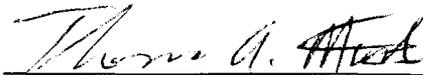
ORDINANCE NO. 3055

Page 2

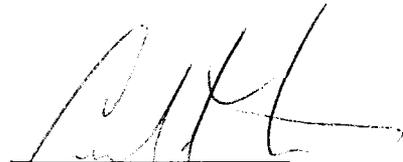
PASSED AND APPROVED on the first reading this 15TH day of
OCTOBER 2008

PASSED AND ADOPTED on second and final reading this 5TH day of
NOVEMBER 2008

APPROVED:



THOMAS A. MASTERS
MAYOR



CEDRICK A. THOMAS
CHAIRPERSON

ATTEST:



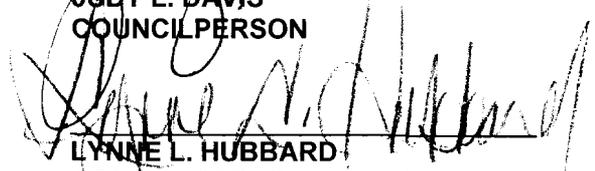
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



DAWN S. PARDO
CHAIR PRO TEM



JUDY L. DAVIS
COUNCILPERSON



LYNNE L. HUBBARD
COUNCILPERSON



SHELBY L. LOWE
COUNCILPERSON

ORDINANCE NO. =30-5=-5_____

PAGE 3

1ST READING

MOTIONED BY: J. DAVIS

SECONDED BY: D. PARDO

C. THOMAS AYE -

J. DAVIS AYE -

D. PARDO AYE -

L. HUBBARD AYE -

S. LOWE AYE -

2ND & FINAL READING

MOTIONED BY: D. PARDO

SECONDED BY: S. LOWE

C. THOMAS AYE

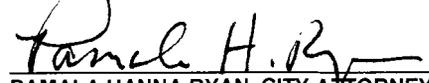
J. DAVIS AYE

D. PARDO AYE

L. HUBBARD NAY

S. LOWE AYE

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 10/8/08